

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FRED ALSTON, as a Trustee of the LOCAL
272 LABOR-MANAGEMENT PENSION
FUND; FRED ALSTON, as a Trustee of the
LOCAL 272 WELFARE FUND

Plaintiffs,

- against -

ST. CHARLES GARAGE,

Defendant.

PAUL G. GARDEPHE, U.S.D.J.:

WHEREAS the Plaintiff commenced this action on December 1, 2008 by filing
the Summons and Complaint herein; and

WHEREAS the Plaintiff executed service on Defendant St. Charles Garage on
December 30, 2008 by serving the New York Secretary of State and Plaintiff filed proof of such
service on January 13, 2009; and

WHEREAS Defendant St. Charles Garage has not answered or otherwise
responded to the Summons and Complaint herein and the Defendant's time to answer has
expired; and

WHEREAS the Clerk of the Court issued a certificate of default as to Defendant
St. Charles Garage on February 17, 2009; and

WHEREAS this Court ordered Defendant St. Charles Garage to show cause on
March 20, 2009 why default judgment should not be entered against it and Defendant St. Charles
Garage did not appear before the Court; it is hereby

ECF CASE

08 Civ. 10393 (PGG)

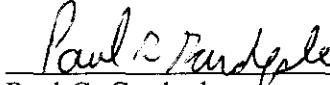
ORDER

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DATE FILED: 3/20/09

ORDERED that a default is entered against Defendant St. Charles Garage and that this matter is referred to Magistrate Judge Dolinger for an inquest to determine the appropriate scope of Plaintiff's requested audit and the proper amount of damages and attorneys' fees. The Clerk of the Court is directed not to close the case.

Dated: New York, New York
March 20, 2009

SO ORDERED.



Paul G. Gardephe
United States District Judge